

**From:** [Tran, Lana](#) on behalf of [GO167](#)  
**To:** [SED Electric Generation Section](#); [Tran, Lana](#); [Cheng, James](#); [Buckley, Theresa](#)  
**Subject:** FW: [EXTERNAL] SB 1383 ESS Operation and Maintenance Standards  
**Date:** Tuesday, April 16, 2024 4:06:52 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)

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**From:** Julia Zuckerman <Julia.Zuckerman@clearwayenergy.com>  
**Sent:** Tuesday, April 16, 2024 3:45 PM  
**To:** GO167 <go167@cpuc.ca.gov>  
**Cc:** Jamie Corey <Jamie.Corey@clearwayenergy.com>  
**Subject:** [EXTERNAL] SB 1383 ESS Operation and Maintenance Standards

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GO 167 Team,

Clearway Energy Group (“Clearway”) provides the following comments for consideration on the proposed update to GO 167-B. As a California-based company that owns and operates renewable generation, conventional generation, and energy storage facilities across California, Clearway has a shared interest in advancing safety and reliability on California’s grid. We appreciate the effort by CPUC staff to update GO 167-B and ensure that it is implemented in a way that works for all types of generation and storage facilities.

As drafted, the proposed revisions to GO 167-B include several instances of ambiguous language that, if read literally, could create excessive reporting requirements that would create an unnecessary burden for both facility owners and CPUC staff. Ambiguous language would also be subject to interpretation by individual facility managers and auditors, leading to inconsistent application. Our comments are focused on identifying these areas of ambiguity and suggesting solutions to maximize shared understanding.

**1. How can the proposed changes to GO 167-B be improved to promote the safety and reliability of Energy Storage Systems (ESSs)? Are there other rules, codes, standards, and regulations that should be added to SED’s proposed changes to GO 167-B in implementing the requirements of SB 1383?**

Clearway encourages the use of clearly defined terms within the rules to the greatest extent possible. We also encourage SED to ensure that the rules are focused on the factors that are most important to safety and reliability.

Our comments on specific sections are as follows:

- In Section 9.4, removing the descriptor “safety-related” from the definition of reportable incidents has the potential to greatly expand the scope of reportable incidents, including

incidents that may not be related to safety or reliability. An overly broad scope could create burdensome reporting requirements for operators and unnecessary work for SED staff, drawing time and effort away. This section should be refined to keep the focus on significant incidents that truly merit SED's attention.

- Without further clarification, the reference to "other regulatory agencies" in (b) could make any report to any regulatory agency into a reportable event, whether or not the subject is related to safety and reliability. For example, this could include a stormwater discharge reported to a Regional Water Quality Control Board or a protected species identified on site that would be reported to the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service. We suggest removing that reference or specifying any agencies other than OSHA or CalOSHA that would trigger a reporting requirement.
- We suggest modifying (c) to clarify that normal wear and tear requiring repair or replacement that costs over \$200,000 does not qualify as an "incident" incurring "damage."
- As written, (d) creates the possibility that a negative local news story or opinion piece about a generator or storage facility, unrelated to any actual safety-related event, could itself constitute a reportable incident. This would effectively require facility owners to monitor all media coverage in the area, city and county where their facilities are located. We do not believe such broad monitoring and reporting would provide a real benefit to the CPUC or to facility owners. We request restoring the prior language "when the GAO or ESSO has actual knowledge of the media coverage" and also request narrowing the scope to only require reporting of media coverage associated with a significant incident related to safety or reliability.
- MS 4 creates an unclear requirement to incorporate emerging technologies in an already operational system. During the workshop on March 26, presenters clarified verbally that projects would not be required to incorporate emerging technologies unless the technology was needed to address persistent problems with operation of the facility. We request that MS 4 be modified to include that clarification. As written, the standard of "applicable, appropriate, and proven" is undefined and likely to be interpreted differently by different individuals.
- MS 14 and MS 15 both require facility owners to "optimize" performance, which is not defined. While facility owners certainly strive for optimal performance at all times, it is not realistic as a requirement. Elsewhere in MS 14, the standard is for the facility to be "operated and maintained within the operating parameters defined by facility design," which is a more realistic and objective standard. The references to "optimization" should be removed.

**2. Is the term "ESS" sufficiently defined and broad enough to capture all applicable utility-scale energy storage systems including current and emerging technologies?**

**a. What could be added to the proposed definition to make it more consistent with SB 1383?**

No comments at this time.

**b. Are the megawatt thresholds assigned in the proposed changes to GO 167-B (Large, medium, small) appropriately scaled for ES systems?**

No comments at this time.

**3. What are the recommended timelines—which can include phased approaches or transition periods—to allow stakeholders sufficient time to comply with the new proposed regulatory requirements of GO 167-B? Please comment on the transition time period needed to implement the proposed Logbook Standards, Operation Standards, Maintenance Standards, Operation and Maintenance Compliance filings, Incident Reporting, and Outage Reporting requirements.**

Clearway supports the 12-month implementation timeline proposed by the California Energy Storage Alliance (CESA).

**4. As ESS technology quickly changes and evolves, how can the proposed changes to GO 167-B**

**ensure that ESSs use the best available technologies and controls and that the GO sufficiently accounts for these changes and updates? Is a Best Available Technology standard appropriate to capture future modifications and changes to ESSs' operations?**

Technology is always evolving, and it is inevitable that a project built today will no longer be cutting-edge technology ten years from now. ESSOs should be required to maintain their facilities in good working order, but there should not be a requirement to replace equipment that is functioning well simply because newer technology has become available in the market.

**5. What metrics or parameters should be used to monitor and evaluate the performance of ESSs deployed to ensure compliance with proposed changes to GO 167-B? (e.g. Roundtrip efficiency, C-rate, State of Charge or State of Health metrics, charging and discharging status, etc.). How does the ESSO ensure situational awareness, control, and operational coordination between ESSO and ESS operations, (as well as coordinating with the off-taker)?**

Clearway encourages SED to coordinate as much as possible with the CAISO, as well as using data that are already collected and reported by SCADA systems, to minimize duplicative reporting requirements.

Thank you for considering our comments.



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